

AMENDED IN SENATE JANUARY 16, 2008

AMENDED IN SENATE MAY 8, 2007

SENATE BILL

No. 242

Introduced by Senator Torlakson

February 14, 2007

An act relating to the payment of claims against the state, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately. -

LEGISLATIVE COUNSEL'S DIGEST

SB 242, as amended, Torlakson. Claims against the state.

Existing law requires the California Victim Compensation and Government Claims Board to report to the Legislature when there is no sufficient appropriation available for the payment of a claim against the state allowed by the board.

This bill would appropriate ~~\$215,778.34 from various funds to the executive officer of the California Victim Compensation and Government Claims Board to pay claims accepted by the board~~ \$64,350 *from the General Fund to the Department of Justice for payment of a specified judgment claim against the state and would require that appropriated funds in excess of the amount required to pay this claim revert to the General Fund on November 30, 2008.*

~~This bill would require the Controller, upon the request of the board, in a form prescribed by the Controller, to transfer surcharges and fees from the Budget Act items of appropriation identified in this bill to Item 8700-001-0001 of Section 2.00 of the Budget Act of 2007, as specified.~~

Existing law requires the board to report to the Legislature regarding a claim for erroneous conviction or imprisonment and requires that the

~~board's recommended indemnification for this purpose be a sum equivalent to \$100 per day of incarceration.~~

~~This bill would appropriate \$74,600 from the General Fund to the executive officer of the board to pay a claim under these provisions.~~

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.~~

~~State-mandated local program: no.~~

The people of the State of California do enact as follows:

1 ~~SECTION 1. The sum of sixty-four thousand five hundred thirty~~
 2 ~~dollars (\$64,530) is hereby appropriated from the General Fund~~
 3 ~~to the Department of Justice to pay the judgment in the case of~~
 4 ~~Habitat for Hollywood Beach v. California Coastal Commission,~~
 5 ~~Los Angeles Superior Court Case No. BS101782. Any funds~~
 6 ~~appropriated in excess of the amount required for the payment of~~
 7 ~~this judgment claim shall revert to the General Fund on November~~
 8 ~~30, 2008.~~

9 ~~SECTION 1. (a) The sum of two hundred fifteen thousand~~
 10 ~~seven hundred seventy-eight dollars and thirty-four cents~~
 11 ~~(\$215,778.34) is hereby appropriated from the various funds, as~~
 12 ~~specified in subdivision (b), to the executive officer of the~~
 13 ~~California Victim Compensation and Government Claims Board~~
 14 ~~for the payment of claims accepted by the board in accordance~~
 15 ~~with the schedule set forth in subdivision (b).~~

16 ~~(b) Pursuant to subdivision (a), claims accepted by the California~~
 17 ~~Victim Compensation and Government Claims Board shall be paid~~
 18 ~~in accordance with the following schedule:~~

19		
20	Total for Fund: General Fund (0001).....	\$215,575.39
21	Total for Fund: Item 5180-111-0001	
22	Budget Act of 2007, Program 25.15.....	\$202.95
23		

24 ~~SEC. 2. Upon the request of the California Victim~~
 25 ~~Compensation and Government Claims Board, in a form prescribed~~
 26 ~~by the Controller, the Controller shall transfer surcharges and fees~~
 27 ~~from the Budget Act items of appropriation identified in~~
 28 ~~subdivision (b) of Section 1 of this act to Item 1870-001-0001 of~~
 29 ~~Section 2.00 of the Budget Act of 2007. For each Budget Act item~~

1 of appropriation, this amount shall not exceed the cumulative total
2 of the per claim filing fees authorized by subdivision (c) of Section
3 905.2 of the Government Code and the surcharge authorized by
4 subdivision (f) of Section 905.2 of the Government Code. For
5 those items in subdivision (b) of Section 1 that do not reflect a
6 Budget Act appropriation, the Controller shall transfer an amount
7 not to exceed the cumulative total of the per claim filing fees
8 authorized by subdivision (c) of Section 905.2 of the Government
9 Code and the surcharge authorized by subdivision (f) of Section
10 905.2 of the Government Code. This amount shall be transferred
11 for support of the board as reimbursements to Item 1870-001-0001
12 of Section 2.00 of the Budget Act of 2007. The board shall provide
13 a report of the amounts recovered pursuant to this authority to the
14 Department of Finance within 90 days of the enactment of this
15 act.

16 SEC. 3. ~~The sum of seventy-four thousand six hundred dollars~~
17 ~~(\$74,600) is hereby appropriated from the General Fund to the~~
18 ~~executive officer of the California Victim Compensation and~~
19 ~~Government Claims Board to pay the following claim accepted~~
20 ~~by the board and reported to the Legislature pursuant to Section~~
21 ~~4904 of the Penal Code: Claim No. 549272 (In the Matter of the~~
22 ~~Claim of David Allen Jones).~~

23 SEC. 4.

24 SEC. 2. This act is an urgency statute necessary for the
25 immediate preservation of the public peace, health, or safety within
26 the meaning of Article IV of the Constitution and shall go into
27 immediate effect. The facts constituting the necessity are:

28 In order to settle *pay judgment* claims against the state and end
29 hardship to claimants as quickly as possible, it is necessary for this
30 act to take effect immediately.